

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

v.

Cr. No. 4-18-199-5

LEATRICE MALIKA DEBRUHL-DANIELS

**DEFENDANT’S OBJECTIONS TO GOVERNMENT’S
AMENDED EXHIBIT LIST**

Leatrice De Bruhl, through her attorney, the Federal Public Defender, submits the following objections to the Government’s Amended Exhibit List. The Government initially listed its exhibits on May 26, 2022, and made them available on May 30, 2022.

Exhibits 16 & 17 – These exhibits are memoranda written by Mark Russ, Executive Assistant Director of the Naval Criminal Investigative Service, to the Inspector General of that agency on May 2, 2018. These exhibits include hearsay, in violation of Fed. R. Evid. 802, and their admission would violate Ms. Debruhl’s rights under the Confrontation Clause of the Sixth Amendment.

In addition, Ms. Debruhl requests that the government demonstrate the authenticity of these exhibits prior to their admission into evidence.

Exhibit 18 – This exhibit contains copies of documents found during the consensual search of Ms. Debruhl’s hotel room in May 2018.

As explained in Ms. Debruhl’s Response to Government Notice Pursuant to

Fed. R. Evid. 404(b), these documents are not relevant to any matter at issue and are thus inadmissible under Fed. R. Evid. 402 and, even if there is any slight relevance, it is outweighed by the risk of unfair prejudice, and thus they are inadmissible under Fed. R. Evid. 403.

Exhibit 32 – This exhibit contains texts in two different formats; the first appears to be just a plain-text print-out of text communications. The second format appears for be screenshots of text messages. On many of these screenshots there appears to be explanatory text added by someone; this text appears in white boxes on many of the screen shots. This explanatory material is entirely hearsay, and thus not admissible pursuant to Fed. R. Evid. 802, and its admission would violate Ms. Debruhl’s rights under the Confrontation Clause of the Sixth Amendment.

In addition, Ms. Debruhl requests that the government demonstrate the authenticity of this exhibit prior to their admission into evidence.

Exhibits 33, 34, 35, 36, 75, and 76 – These exhibits relate to a trip taken by Ms. Debruhl from the United States to Dubai in July 2018, after she had been suspended from her job without pay and after she had voluntarily undergone days of interviews with law enforcement agents.

As explained in Ms. Debruhl’s Response to Government Notice Pursuant to Fed. R. Evid. 404(b), these documents are not relevant to any matter at issue and are thus inadmissible under Fed. R. Evid. 402 and, even if there is any slight relevance,

it is outweighed by the risk of unfair prejudice, and thus they are inadmissible under Fed. R. Evid. 403.

Exhibit 77 – This exhibit includes an email from a Department of State email address to Nadal Diya scheduling an interview; Ms. Debruhl raises no objection to this portion of the exhibit.

The rest of the exhibit includes various pieces of forwarding information and post-hoc explanatory text written by a Special Agent in 2020. None of this material is relevant and it should be excluded under Fed. R. Evid. 402. In addition, the explanatory text is hearsay and should be excluded under Fed. R. Evid. 802 and because its admission would violate Ms. Debruhl's rights under the Confrontation Clause of the Sixth Amendment.

Copies of these exhibits will be hand delivered to chambers.

Respectfully submitted,

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By /s/ Philip G. Gallagher
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CERTIFICATE OF SERVICE

I certify that on June 1, 2022, a copy of the foregoing Opposition was served
by Notice of Electronic Filing upon all counsel of record.

s/ Philip G. Gallagher
PHILIP G. GALLAGHER